

REMARKS

Applicants acknowledge receipt of the final office action dated May 23, 2003, in which the Examiner again rejected all claims pending in the application. Applicants have amended the claims and respectfully traverse the rejections for the following reasons.

Objections to the Drawings

The Examiner objected to the drawings on the grounds that various features that are recited in the claims are not shown in the figures. Applicants respectfully submit that the original drawings contain every feature that is currently recited in the claims. Applicants have attached hereto printed copies of original Figure 1 and amended Figures 5 and 6 to which color-coded labels have been added to indicate the various claim elements that are shown therein. The attachment is intended to facilitate the Examiner's review and is not intended as a *Drawing Amendment*.

The color coding is described in the following Key:

Item	Color
First tunnel walls	Yellow
Second tunnel walls	Rose
Transverse drive aisle	Green
Width of drive aisle opening in first walls	Light blue
Third tunnel walls	Brown
Fourth tunnel walls	Aqua
Superstructure walls	Pink
Recitation of claim 21 and former claim 16	Purple
Advantage over the art	Orange

Because all of the features in question were shown in the original Figures, applicant submits that no new subject matter has been added and further submits that no *Drawing Amendment* is necessary. Nonetheless, if the Examiner feels that a *Drawing Amendment* is needed, e.g. if the Examiner feels that additional reference numerals should be added to the specification and to the Figures, the applicants would readily conform to such a suggestion.

Objections to the Claims

Claim 14 has been amended to depend from claim 20 instead of claim 15, as suggested by the Examiner.

Rejection under 35 U.S.C. § 103

In rejecting the claims as unpatentable over Stewart et al ('496) in view of Cerutti et al, the Examiner asserts that Stewart discloses a multistory building meeting the limitations of claims 15 and 20 with the exception of using poured-in-place concrete construction techniques. Applicants respectfully submit that this is in error and further respectfully submit that the Examiner's appreciation of the invention may be facilitated by the labeled drawings that are attached hereto and discussed in detail below.

The Examiner states, beginning in the last line on page 3 of the Office Action, that Stewart discloses "first and third tunnels each having four parking spaces with a length dimension that is wider than the drive aisle; the second and fourth tunnels each set [*sic*] having two parking spaces with a length that is less than the first length." Applicants do not understand the basis for this statement. First, it is not clear where (in Figure 14 of Stewart or elsewhere) the alleged "four parking spaces" and "two parking spaces" occur. *Regardless*, Applicants submit that it is immaterial, as Stewart *does not disclose* a parking structure that meets the requirements of the claims.

In particular, Applicants have amended claims 15 and 20 to explicitly recite that the drive aisle openings in the first tunnel walls are wide enough to accommodate a parking space in addition to the drive aisle itself. This feature is clearly shown in the original drawings and in paragraph [0020] of the specification. On the attached color-coded sheets, the first walls are indicate by yellow highlighting, the drive aisle opening is indicated by light blue highlighting, and the advantageous parking space configuration results from the present invention is indicated by orange highlighting. Because the "first walls" are constructed so as to *span* [lengthwise] a parking space, rather than defining a parking space, three parking spaces can be fit into the width of only two tunnels. Depending on how the invention is implemented, these additional spaces result in a 20-50% increase in the number of spaces that can be formed as compared to conventional tunnel-formed garages of the same size and are therefore a significant improvement, particularly in large garages. Equally importantly, this improvement can be realized without requiring columns or a transfer deck, although such could be present if desired.

Steward does not disclose or suggest a substructure comprised of tunnels in which some of the walls include a drive aisle opening that is wide enough to accommodate a parking space in addition to the drive aisle itself.

In contrast, Applicants have invented a method for forming a parking substructure that uses a tunnel-forming technique and yet allows for a more efficient spacing of automobiles within the parking structure than would be possible using conventional techniques. This is a *breakthrough* in the state of the art because the standard desired width of tunnels for living quarters is not an efficient width for parking spaces. As described in the original specification, the disparity between the desired wall spacings in the substructure and superstructure formerly could only be overcome by inclusion of an expensive "transfer deck" between the substructure and superstructure. The present invention advances the art, therefore, by making possible a desirable spacing in both the substructure and superstructure without necessitating a transfer deck. Nothing in the art of record teaches or suggests the claimed invention.

Applicants appreciate the effort the Examiner has invested in the present case. Nonetheless, Applicants believe that the Examiner has not understood the claimed invention insofar as is necessary to understand the way in which it is distinct from the prior art. Applicants sincerely hope that the graphical illustration provided herewith enables the Examiner to appreciate the distinctions between the present invention and the prior art.

Conclusion

For all of these reasons, applicants submit that claims 15 and 20, as well as the claims that depend from them, are allowable over the art of record. Applicants therefore request that the Examiner enter the amendment and withdraw the rejection. If the Examiner has any questions or comments, or would like to suggest any further amendments, he is encouraged to telephone the undersigned at (713) 238-8043.

Respectfully submitted,



Marcella D. Watkins
Reg. No. 36,962
Conley Rose, P.C.
P. O. Box 3267
Houston, Texas 77253-3267

(713) 238-8000
ATTORNEY FOR APPLICANT